

Appln. No. 09/914,566  
Amdt. Dated October 29, 2003  
Reply to Office action of July 30, 2003

**REMARKS/ARGUMENTS**

Claims 8-15 remain in the application. Claims 1-7 were previously canceled.

Claims 10-15 have been allowed. Claim 9 has been indicated to contain allowable subject matter.

Reconsideration of the rejection of claim 8 under 35 USC 102(b) as anticipated by Shimirak et al is respectfully requested.

Shimirak teaches an environmentally protected electrical socket and plug assembly including a socket 20 containing an electrical conductor 40 and adapted to insertably receive a plug 50, an environmental sealant 70 at least partially filling the socket so that the sealant is at least partially displaced from the socket when the plug is inserted into the socket, and an elastomeric containment **diaphragm** 30 for containing displaced sealant when the plug is inserted into the socket and for urging the sealant back into the socket when the plug is removed. Shimirak discloses that the elastomeric containment diaphragm 30 is preferably made of a flexible material such as rubber and is flexible enough to make room for gel displaced by the insertion of the plug 50. See col. 3, ll. 53-67.

Applicant's claim 8 is directed to a contact protection housing including a housing part 7 and a component 1 on which the housing part is mounted. The housing part comprises a thin-walled **cap** 7, whose edge rests constantly on the component 1 by

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**initial tension** and includes an opening 8 for introducing potting composition into the housing part. Claim 8 also requires the housing part to be **sufficiently stiff to withstand an overpressure during the introduction of the potting composition.** See applicant's specification, page 9, last paragraph.

As pointed out above, Shimirak discloses a diaphragm 30 which is flexible enough to make room for gel displaced by the insertion of the plug 50 and not a cap. Fig. 5 of Shimirak shows that the contour of the socket assembly 10 has at least one offset (see the attached **Appendix**). Shimirak does not contain any disclosure concerning the design of the contact area between the diaphragm 30 and the socket 20. It is particularly important to note that Shimirak lacks any disclosure of any tension between the diaphragm 30 and the socket 20. The flexible material of the diaphragm 30 and the aforementioned contour of the socket assembly 10 with one offset makes it impossible to have the edge of the diaphragm rest constantly on the socket assembly 10 by initial tension.

As mentioned above, the diaphragm 30 is not a cap as claimed in claim 8. In applicant's invention, the hot melt adhesive is introduced in the cap with overpressure (see page 9). This inherently requires a certain stiffness of the cap. If a hot melt adhesive or another potting composition would be introduced in the diaphragm 30 of Shimirak it would certainly make room for the potting composition as it does "for gel displaced by the insertion of the plug RJ11 plug" (see col. 3, lines 63, 64). As a result,

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the potting composition would not reach all of the areas in the interior of the socket assembly 10 to prevent it from malfunctioning due to humidity, salt, dust and the like.

To support a rejection of a claim under 35 U.S.C. 102(b), it must be shown that each element of the claim is found, either expressly described or under principles of inherency, in a single prior art reference. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

Shimirak fails to disclose "a thin-walled cap, whose edge rests constantly on the component by initial tension, said housing part being sufficiently stiff to withstand an overpressure during the introduction of the potting composition." Accordingly, Shimirak does not anticipate claim 8.

Entry of the amendment and allowance of the claims are courteously solicited.

Respectfully submitted,



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## **APPENDIX**

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U.S. Patent

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5,246,383

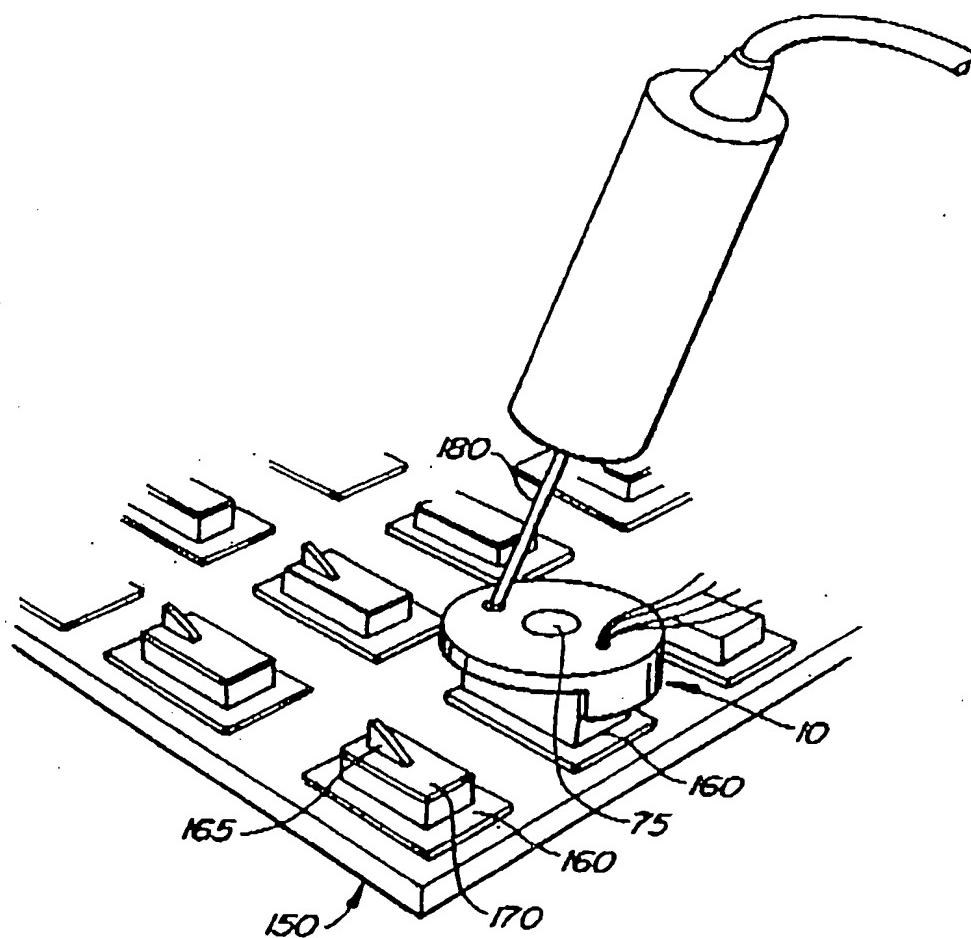


FIG. 4.

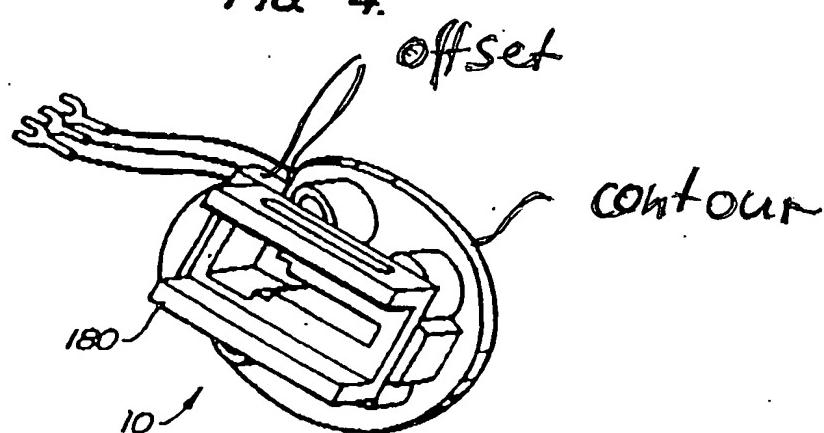


FIG. 5.